

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

APPLIANCE COMPUTING III, INC.,
Plaintiff,

v.

REDFIN CORPORATION,
Defendant.

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6:20-CV-376-ADA

NOTICE OF TRIAL PROCEDURES

In anticipation of the upcoming jury trial, the Court notifies the parties of the following trial procedures.

I. GENERAL TRIAL PROCEDURES

A. Jury Selection

Jury Selection will begin at 9:00AM, May 9, 2022 in Courtroom #1 in the United States District Court, 800 Franklin Avenue, Waco, Texas 76701. Judge Derek T. Gilliland will conduct *voir dire*. Audio of the *voir dire* will be streamed via the webinar described below.

Seven jurors will be selected for this trial. Each party will have four peremptory strikes. The Court will provide the parties an opportunity to do a general and individual *voir dire* at the Court's discretion. The Court will provide the parties with a diagram of the room that identifies the jurors and their seat assignments.

B. Trial

Trial will begin at 1:00PM, May 9, 2022, in Courtroom #1 in the United States District Court, 800 Franklin Avenue, Waco, Texas 76701. Trial will generally occur between 9:00AM and 5:00PM every other day with some exceptions. On Wednesday, May 11, 2022, trial will not convene until 1:30PM to accommodate the Court conducting sentencing that morning—the

parties and their counsel are welcome to attend sentencing. The Court will also not be holding trial on Friday, May 13, consistent with its ruling at the pretrial conference.

Unless otherwise directed, the Court intends to meet at 8:30AM each morning (excepting May 11 and 13) to address objections. Parties are to meet and confer each evening, on a schedule chosen by the parties, to narrow disputes regarding the next day's proceedings. The parties are instructed to send an update to the law clerk by 7:00AM each morning indicating any issues that need to be addressed before bringing in the jury.

The parties shall jointly provide notebooks to the jurors on the first day of trial before the trial begins. The notebooks shall be provided to Court staff, who will deliver the notebooks to the jurors.

Each party will have 14 hours of trial time. Each side has 30 minutes for opening statements and 30 minutes for closing arguments that will not be counted towards the party's allocated trial time. A party may not reserve trial time for closing—30 minutes per side is the limit. The Court assesses arguments made outside the jury's presence against the above trial time limits.

There will be no bench conferences in the presence of the jury during trial. If necessary, the Court may take a short recess from the trial to conduct any bench conferences and resolve any issues in the absence of the jury.

The parties shall use electronic exhibits for any exhibit displayed and/or given to the jury, unless providing or displaying an exhibit electronically is impractical or restricted under the protective order. For the sake of clarity, any witness, counsel, staff, and the Court may each have his or her own set of physical exhibits. However, physical exhibits will not be passed to the jury absent approval by the Court.

C. Courtrooms

No food or drink, aside from bottled water, is allowed in the courtroom. Cellphones must be turned off or on silent. Absolutely no recording of the proceedings is allowed.

D. Audio Access for the Public

Although seating will remain available to the public in the courtroom, a webinar feed will be made available to the public. The public is permitted to listen to the trial proceedings by telephone. Recording of the proceedings in any way is not permitted.

Audio Only:

One tap mobile:

- +16692545252,,1609506959#,,,*436373# or
- +16692161590,,1609506959#,,,*436373#

Telephone:

- +1 669 254 5252 or
- +1 669 216 1590 or
- +1 646 828 7666 or
- +1 551 285 1373

Webinar ID: 160 950 6959

Passcode: 436373

E. Video Access for Party-Affiliated Individuals

A live video feed of the trial proceedings will be provided to party-affiliated individuals to accommodate any party-affiliated individuals who choose to observe the trials remotely and any witnesses who choose to testify remotely. This live feed may be accessed by the following party-affiliated individuals outside of the Courthouse:

- a) The parties' outside counsel, staff, and consultants;
- b) The parties' in-house counsel disclosed under the Protective Order;
- c) Witnesses on either party's witness list to the extent permitted under the Protective Order and Pre-trial Order. A fact witness (other than a designated corporate representative) may not observe the testimony of other witnesses until after that

witness has completed his/her testimony and has been excused by the Court. Expert witnesses and corporate representatives may observe the testimony of other witnesses before they testify—although corporate representatives may be precluded from observing certain sealed testimony because of confidentiality reasons.

II. COVID -19 SAFETY PROTOCOL

In order to provide a safe environment for all parties and other trial participants, the Court has approved the following COVID-19 safety protocols, which the Court employs to maximize safety and social distancing during trial.

A. Pre-Entry Health Assessments

All individuals who enter the Courthouse shall be expected to adhere to CDC guidelines for COVID-19.

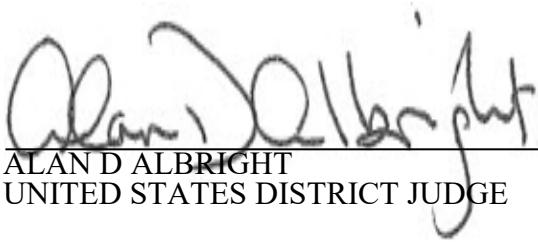
1. COVID-19 Safety Questionnaire

Self-assessment health signage is already posted conspicuously around the Courthouse. Such signs direct any person who fails the self-assessment not to enter the building. In addition, any individual who answers “yes” to any of the following questions shall inform the Court’s personnel before entering the Courthouse:

- a) In the last three weeks, have you been diagnosed with COVID-19?
- b) Are you currently experiencing new or worsening signs of any of the following symptoms not otherwise attributable to a condition other than COVID-19 (such as pregnancy, dehydration, rigorous exercise, etc.): difficulty breathing or shortness of breath; loss of the sense of taste or smell; gastrointestinal discomfort including vomiting or diarrhea; fever; cough; fatigue; headache; or muscle or body aches; or runny nose?

IT IS SO ORDERED.

SIGNED this 4th day of May, 2022.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE